



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE.
Washington, DC 20590

April 6, 2009

[REDACTED]
[REDACTED]
San Diego, CA [REDACTED]

NVS-216 et
Ref. No. 10263349

Dear [REDACTED]

Thank you for your correspondence dated March 5, 2009, concerning your model year (MY) 2008 BMW 535i vehicle. The National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation received your correspondence on March 18, 2009.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect may exist. We cannot act on isolated problems or resolve disputes between individual owners, dealers, or manufacturers.

We appreciate the report you provided. Reports from motorists are a very important source of information for us. In your letter you express your dissatisfaction with the loss of engine power you have encountered while driving your vehicle; and you request a refund for the vehicle.

BMW has issued Technical Service Bulletin No. S1B125506 concerning the loss of engine power in certain BMW 5 series vehicles. However, the issuance of a TSB does not necessarily reflect the existence of a safety-related defect in accordance with the National Traffic and Motor Vehicle Safety Act. Therefore, NHTSA cannot require BMW to perform the corrective action described in the TSB on your vehicle at no cost to you.



With regards to your request for a refund, please be advised that this does not fall under our jurisdiction. If you have not done so, you may consider contacting the Federal Trade Commission (FTC). The FTC has jurisdiction over non-safety defects, paint, fraud or deception, warranty and dealership problems, remuneration matters, and fair trade practices. There are three ways you can contact the FTC: by toll free telephone at 1-877-FTC-HELP (1-877-382-4357); by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at <http://www.ftc.gov/ftc/complaint.htm>.

Should you encounter a safety-related problem with a motor vehicle or item of motor vehicle equipment in the future, you can complete an electronic Vehicle Owner's Questionnaire online at <http://www.nhtsa.dot.gov/ivoq>. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc. can be obtained at <http://www.nhtsa.dot.gov/cars/problems>.

Sincerely,

A handwritten signature in cursive script that reads "Randy Reid".

Randy Reid, Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement